

# *State Senator Mike Bennett*

## *Legislative Update 2003*

### *Senate District 21*

(serving Manatee, Sarasota, Lee, Charlotte & Desoto Counties)

August 2003  
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Dear Neighbors,

Representing your interests in the Florida Senate continues to be a welcome challenge and a rewarding privilege. I appreciate your support and confidence as I strive to do my best to meet the diverse needs of our rapidly growing district and state. Although we have needed to return to Tallahassee for multiple Special Sessions this year, the Florida Senate is committed to standing up for the rights of each of the citizens of our State. I'm glad to finally be home — even if only briefly — and am proud to report to you the achievements of the 2003 Legislative Session.

While we faced a multitude of complex issues this year, we met the test with resolve and compassion and were able to increase education funding, bring stability to Florida's insurance markets, ensure public safety by increasing penalties for criminals, and begin the implementation of a number of voter-mandated constitutional amendments.

The 2003 Legislature passed a \$53.5 billion dollar budget which excluded costly "pork" projects, maintained valuable state trust funds, responsibly addressed voter mandates, and continued to meet the growing needs of our children and most needy.

Yet despite all of our hard work and substantial achievements, our work remains unfinished. Continued communication and feedback with you and others in the community is vital in order to evaluate and improve upon our work. Your thoughts and concerns are of great importance to me. Please feel free to contact my office if we can be of assistance in any way.

Sincerely,

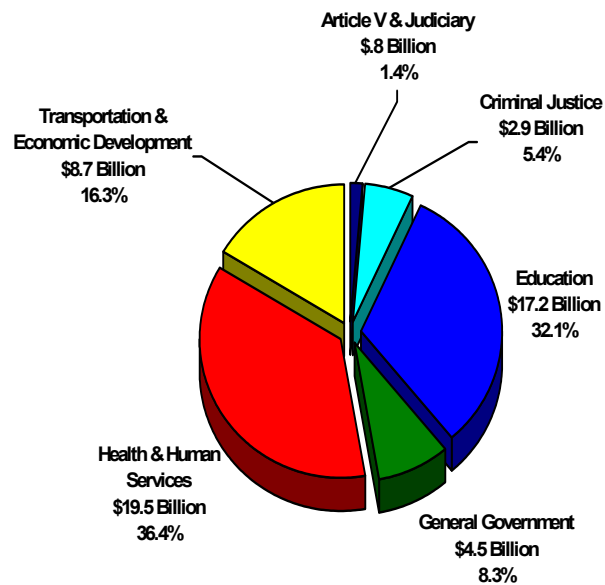
Michael S. "Mike" Bennett  
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Governor Bush signs legislation  
sponsored by Senator Bennett

## STATE BUDGET

- *The Florida Senate debated several different ways to increase revenue that would not affect the average resident, but those solutions fell on deaf ears in the Florida House.*
- *We are hopeful that by the fall when we begin to re-address these issues, the economy will have turned around, gas prices will have dropped, and tourism will be on the rise again and yielding the increases in needed revenues that will be necessary for us to meet all of Florida's needs.*



## Worker's Compensation Reform:

I believe this has been the #1 problem effecting Florida's economic development. This legislation is a major breakthrough.

### Highlights

- **Increases impairment and death benefits:** Raises permanent partial disability (PPD) impairment benefits by 50%. Raises funeral and death benefits by 50%.
- **Improves availability of coverage:** Makes the Workers' Compensation Joint Underwriting Association (JUA) a more affordable source of coverage for employers who have not been able to find coverage.
- **Enforcement and fraud:** Increases penalties for fraud, increases power to monitor compliance, and increases fines for noncompliance.
- **Construction industry:** Removes the onerous burden on the building trades and restores the pre-2002 exemption law and limits exemptions after January 1, 2004 to three corporate officers who each own at least 10% of the corporation. Provides "horizontal immunity" to assure that one subcontractor is not sued for the negligence of another subcontractor.
- **Permanent total disability(PTD):** Definitions of Injuries, and Workplace Safety: Provides standards for award of permanent total disability, raises coverage standards for conditions that are subject to abuse, and provides for awareness of cost safety consultation programs and requires all employers covered by the JUA to participate.
- **Alternative dispute resolution and attorney's fees:** Makes voluntary binding arbitration of disputes available when agreed to by the injured worker and carrier, limits attorneys' payments to the fee schedule in current law, and significantly narrows the existing exceptions to the attorney fee schedule.

## Achievements on Health Care & Senior Concerns

- Passed legislation which will allow 911 dispatchers to give lifesaving instructions over the phone while a victim awaits the arrival of paramedics
- Enacted legislation that requires all prescriptions for medications to be legibly written or typed, with all quantities prescribed and directions for use clearly identified
- Continued Florida's Medically Needy Program
- Created the Governor's Advisory Council for a Fit Florida to encourage the fitness and proper nutrition of all Floridians.
- Amended Florida's Community Care for the Elderly Program to require that services be prioritized by the potential recipient's ability to pay so the most vulnerable of Florida's seniors

are served first.

- Passed the "Florida Alzheimer's Training Act" which requires that all employees in home health agencies, hospices and adult day care centers be trained in interacting with individuals who have Alzheimer's Disease or dementia-related disorders
- Passed legislation that provides needed benefits to those who give of their time to serve as volunteers for the Florida Department of Elder Affairs.

Senator Bennett discusses his commitment to healing medicine in Florida with pre-med student, Ryan Jawitz.



## Medical Malpractice

**I, along with all of my colleagues in the Senate, am committed to helping Florida's doctors and victims of medical malpractice.**

Under the considerate and thoughtful guidance of Senate President Jim King, your Florida Senate has refused to haphazardly adopt a simple solution to this multifaceted problem. While some have doubted our commitment to addressing this problem, I assure you that we can and will achieve meaningful reform on this issue. As of this writing we anticipate a return to Tallahassee for yet another Special Session on Medical Malpractice. Hopefully, I will return to our District with good news.

## Legislation Important to All Floridians

► **Florida Clean Indoor Act** prohibits tobacco

smoking in enclosed indoor workplaces. The intent of this bill and the Constitutional amendment it enacts, is to protect people from the health hazards of second-hand smoke. We did this while at the same time, we protected the rights of members of private groups such as Veterans and Legions.

► **Emergency Communications Bill** which I sponsored in the Senate provides for tracking throughout the State of Florida of wireless cell phone users who call 911 for emergency assistance. ► **Medicaid Wholesale Drugs** legislation requires the Agency for Health Care Administration to publish on a free web site, available to the public, the most recent average wholesale price for the 200 drugs most frequently dispensed to the elderly, and to the extent possible, provide a mechanism to calculate the retail price that consumers should pay after the discount required under the Medicare prescription discount program. ► **My bill S1476 – Manatee Protection** was filed in an effort to provide enhanced protection for the manatees. Although my bill did not pass, the essence of what I had hoped to create did. Senate Bill 2586 provides for the transfer of motor and diesel fuel taxes collected through sales at marinas from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund. **A portion of these funds may be used for additional water-related law enforcement such as enforcement of laws and regulations relating to the protection of manatees.** Increased law enforcement will equate to enforcement of current laws without the need for additional laws or regulations as well as rendering moratoriums on the boating industry unnecessary.

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## **Committees:**

Communications & Public Utilities, Chair  
Joint Administrative Procedures, Co-chair  
Education Appropriations; Regulated Industries  
Comprehensive Planning; Agriculture

## **Education Funding**

Even with a declining budget, we were able to increase education funding — although certainly not to the levels desired. Our work in this area is ongoing. Highlights include:

\*Full funding for Bright Futures

\*An overall increase in the state Public School Funding Formula of \$837.4 million, or 6.35%

\*Increased funds per student of \$240.80, or 4.56%

\*Fully funds projected enrollment growth of 42,730 new students

\*\$25 million for early innovator school districts to implement the Teacher Career Ladder (BEST) established in the Class Size Reduction bill

\*\$25 million for a nonrecurring enhancement in supplemental academic instruction funds to school districts to assist students who are not

being promoted into third grade or graduating from high school based on FCAT scores

\*\$468.2 million for Class Size Reduction operating costs; with a cost factor for K-3 (\$180.65), 4-8 (\$163.79) and 9-12 (\$160.74)

\*An additional \$600 million in the capital outlay portion of the budget for facilities costs

\*\$25 million for Just Read, Florida!

\*\$12.25 million for public school mentoring programs

\*Full funding for the Excellent Teaching program (\$69.5 million, an increase of \$20.8 million)

\*\$4.8 million for a K-8 Virtual Education Pilot Project

\*\$700,000 for School District Matching Grants.